

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MAYA HAYUK,

Plaintiff,

v.

TARGET CORPORATION and GRAND
IMAGE, LTD.,

Defendants.

Civil Action No. 14 Civ. 08182 (SAS)

**FIRST AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

ECF Case

Plaintiff Maya Hayuk, by her attorneys Saunders & Silverstein LLP, brings this action against the defendants Target Corporation and Grand Image, Ltd. (collectively, “Defendants”) and complains and alleges as follows:

Parties

1. Plaintiff Maya Hayuk (“Hayuk”), a professional visual artist who regularly creates, sells, and licenses original works of art, has a principal place of business at 720 Lorimer Street #3R, Brooklyn, New York 11211.

2. On information and belief, Target Corporation (“Target”) is a Minnesota corporation with its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

3. On information and belief, Grand Image, Ltd. (“Grand Image”) is a Washington corporation with its principal place of business at 701 Fifth Avenue, Suite 6600, Seattle, Washington 98104.

Nature of the Complaint

4. This is an action for copyright infringement. Defendants violated the copyright laws, 17 U.S.C. § 101 *et seq.*, by reproducing, distributing, and selling printed

canvases infringing on Hayuk's original copyrighted works of art without her consent. Hayuk seeks damages and appropriate injunctive relief.

Jurisdiction and Venue

5. This Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over defendant Target pursuant to N.Y. C.P.L.R. 301 because Target has displayed and sold printed canvases infringing Hayuk's copyright within the State of New York, causing tortious injury in New York.

7. This Court has personal jurisdiction over defendant Grand Image pursuant to N.Y. C.P.L.R. 301 because Grand Image regularly conducts business in New York and has manufactured printed canvases infringing Hayuk's copyright and distributed and sold those printed canvases to Target stores in New York, causing tortious injury in New York.

8. Venue is appropriate in this Court under 28 U.S.C. § 1400(a).

Facts

9. Hayuk is an internationally renowned visual artist. Her iconic murals, paintings, and other artworks are highly sought after by individual collectors and corporations throughout the world. Hayuk's work has received critical praise throughout her fine art career, which spans over two decades.

10. Hayuk's career includes more than 150 group and solo gallery shows, installations, and murals throughout the United States and in more than a dozen foreign countries on four continents. Her artwork has been published in numerous books and magazines, and has been featured on countless art-related websites.

11. Hayuk's work has been featured widely in popular online publications, such as *Huffington Post*, *Hypebeast*, *Arrestedmotion*, *Laughing Squid*, *Web Urbanist*, *StreetArtNews*. Her

artwork has also been extensively covered on art-related blogs, in news articles, and is regularly shared through social media.

12. Hayuk often licenses her artwork for use on, among other things, apparel, consumer electronics, and sporting goods. She commands premium fees and royalties for the use of her work in commercial settings.

13. From 2013 through 2014, Hayuk created original works of art in the *Chemical Trails* series with common visual hallmarks. Photographs of works in the *Chemical Trails* series are displayed on Hayuk's website, located at www.mayahayuk.com. These works include, but are not limited to, *Chem Trails NYC*, *Chem Trails Wynwood*, and *Chem Trails Berlin*.

14. On February 7, 2014, Hayuk caused her copyright in *Chem Trails NYC* to be registered in the United States Copyright Office, such registration being assigned Registration No. VAu 1-173-957. A true and correct copy of the certificate of registration for *Chem Trails NYC* is annexed hereto as Exhibit A.

15. On December 14, 2013, Hayuk caused her copyright in *Chem Trails Wynwood* to be registered in the United States Copyright Office, such registration being issued Registration No. VAu 1-167-786. A true and correct copy of the certificate of registration for *Chem Trails Wynwood* is annexed hereto as Exhibit B.

16. On December 14, 2013, Hayuk caused her copyright in *Chem Trails Berlin* to be registered in the United States Copyright Office, such registration being issued Registration No. VAu 1-167-782. A true and correct copy of the certificate of registration for *Chem Trails Berlin* is annexed hereto as Exhibit C.

17. Hayuk has also created original works of art that share the visual hallmarks common to the works in the *Chemical Trails* series. Photographs of these works are also displayed on Hayuk's website. Among these works are those in Hayuk's *Remain in Light*

series, which includes, but is not limited to, *Remain in Light #1*, *Remain in Light #4*, and *Remain in Light #6*. On February 6, 2014, Hayuk caused her copyrights in *Remain in Light #1*, *Remain in Light #4*, and *Remain in Light #6* to be registered in the United States Copyright Office as parts of Registration No. VAu 1-164-339. A true and correct copy of the certificate of registration for *Hayuk Paintings 2008-2013* is annexed hereto as Exhibit D.

18. Additionally, Hayuk created original works of art in a series entitled *Friendship Bracelet*, which are also displayed on Hayuk's website. These original works include, but are not limited to, *Friendship Bracelet: The Ballad of Never Forget*, *Friendship Bracelet: Rancher*, and *Friendship Bracelet: Minus Yellow*. On February 9, 2012, Hayuk caused her copyrights in *Friendship Bracelet: The Ballad of Never Forget*, *Friendship Bracelet: Rancher*, and *Friendship Bracelet: Minus Yellow* to be registered in the United States Copyright Office as parts of Registration No. VAu 1-092-025. A true and correct copy of the certificate of registration for *Hayuk - 2011 Collection No. 1* is annexed hereto as Exhibit E.

19. Hayuk also created the original works of art entitled *The Opening* and *Forever Point* in 2012. Like the other works, these works are displayed on Hayuk's website. On May 1, 2012, Hayuk caused her copyrights in *The Opening* and *Forever Point* to be registered in the United States Copyright Office as parts of Registration No. VAu 1-101-923. A true and correct copy of the certificate of registration for *Hayuk 2012 Collection No. 1* is annexed hereto as Exhibit F.

20. Additionally, Hayuk created the original work of art entitled *Big Exes*, which shares the visual hallmarks common to the aforementioned works and is also displayed on Hayuk's website. On February 6, 2014, Hayuk caused her copyright in *Big Exes* to be registered in the United States Copyright Office as part of Registration No. VAu 1-164-339. A true and correct copy of the certificate of registration for *Hayuk Paintings 2008-2013* is

annexed hereto as Exhibit D.

21. Images of each of the above-referenced works (hereafter, individually and collectively referred to as the “Hayuk Works”) appear on the following pages:



Chem Trails NYC



Chem Trails Wynwood

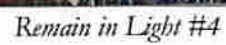


Chem Trails Berlin

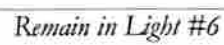
REMAIN IN LIGHT #1 2013 acrylic and flashe on canvas 48 x 60"

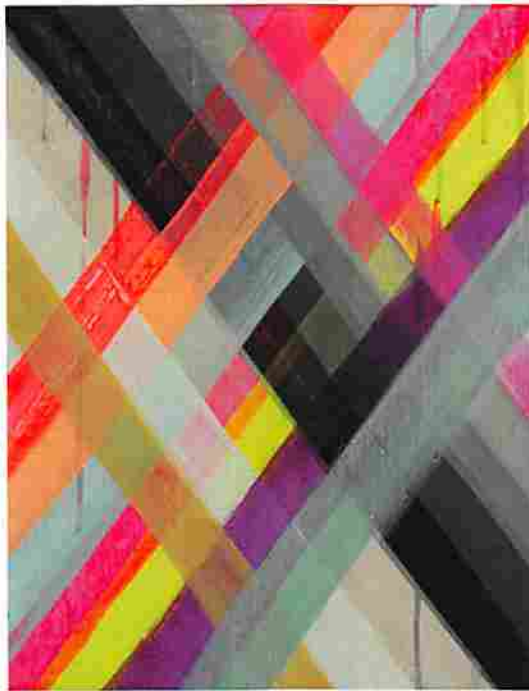


Remain in Light #1



REMAIN IN LIGHT. © 2012 acrylic and flashe on panel 30 x 40"





Friendship Bracelet: The Ballad of Never Forget



Friendship Bracelet: Rancher



Friendship Bracelet: Minus Yellow



©MAYA HAYUK 2012

The Opening



©MAYA HAYUK 2012

Forever Point

BIG EXES, 2010, 24X36" acrylic on birch panel



©MAYA HAYUK 2011

Big Exes

22. Target is a “big-box store” with over 1,700 retail locations throughout the United States.

23. Target’s retail locations sell countless products under one roof, including furniture, apparel, electronics, appliances, and home décor. Target offers an even wider selection of products to consumers on its online store, at www.target.com.

24. Grand Image is an art and design firm. Grand Image creates custom digital prints on canvas, paper, acrylic, metal, wood, and wall coverings for hotels, retailers, and interior designers, among others.

25. Upon information and belief, at least one of Grand Image’s employees had access to Hayuk’s artwork and shared Hayuk’s artwork through at least one of her social media accounts.

26. Upon information and belief, Target contracted with Grand Image, which manufactured and sold to Target a printed canvas titled at retail “Urban Sphere” (the “Urban Sphere Canvas”). Thereafter, Target offered for sale and sold the Urban Sphere Canvas to the general public.

27. An image of the Urban Sphere Canvas appears below:



28. The Urban Sphere Canvas bears a substantial similarity to one or more of the Hayuk Works.

29. The Urban Sphere Canvas is an unauthorized derivative of one or more of the Hayuk Works.

30. The grid below shows details of the subject works and the substantial similarity between the Hayuk Works and the Urban Sphere Canvas.



Chem Trails NYC



Chem Trails Wynwood



Chem Trails Berlin



Remain in Light #1



Remain in Light #4



Remain in Light #6



Urban Sphere



Friendship Bracelet: The Ballad of Never Forget



Friendship Bracelet: Rancher



Friendship Bracelet: Minus Yellow



The Opening



Forever Point



Big Eyes

31. To date, Target continues to display, distribute, and sell, infringing copies of the Urban Sphere Canvas.

32. Upon information and belief, Grand Image continues to display, distribute, and sell, infringing copies of the Urban Sphere Canvas.

33. Hayuk has suffered and continues to suffer damages and irreparable injury as a result of Target and Grand Image's ongoing violation of her copyrights.

Count I
Copyright Infringement of *Chem Trails NYC*

34. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

35. Hayuk's artwork entitled *Chem Trails NYC* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Chem Trails NYC*, holds all copyright interests therein.

36. Hayuk is the sole owner of all right, title, and interest in the copyright to *Chem Trails NYC*, which has been registered in the United States Copyright Office and assigned Registration No. VAu 1-173-957.

37. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Chem Trails NYC*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count II
Copyright Infringement of *Chem Trails Wynwood*

38. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

39. Hayuk's artwork entitled *Chem Trails Wynwood* is wholly copyrightable under

the laws of the United States, and Hayuk, the creator and sole owner of *Chem Trails Wynwood*, holds all copyright interests therein.

40. Hayuk is the sole owner of all right, title, and interest in the copyright to *Chem Trails Wynwood*, which has been registered in the United States Copyright Office and assigned Registration No. VAu 1-167-786.

41. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Chem Trails Wynwood*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count III
Copyright Infringement of *Chem Trails Berlin*

42. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

43. Hayuk's artwork entitled *Chem Trails Berlin* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Chem Trails Berlin*, holds all copyright interests therein.

44. Hayuk is the sole owner of all right, title, and interest in the copyright to *Chem Trails Berlin*, which has been registered in the United States Copyright Office and assigned Registration No. VAu 1-167-782.

45. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Chem Trails Berlin*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count IV
Copyright Infringement of *Remain in Light #1*

46. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

47. Hayuk's artwork entitled *Remain in Light #1* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Remain in Light #1*, holds all copyright interests therein.

48. Hayuk is the sole owner of all right, title, and interest in the copyright to *Remain in Light #1*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-164-339.

49. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Remain in Light #1*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count V
Copyright Infringement of *Remain in Light #4*

50. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

51. Hayuk's artwork entitled *Remain in Light #4* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Remain in Light #4*, holds all copyright interests therein.

52. Hayuk is the sole owner of all right, title, and interest in the copyright to *Remain in Light #4*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-164-339.

53. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Remain in Light #4*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count VI
Copyright Infringement of *Remain in Light #6*

54. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

55. Hayuk's artwork entitled *Remain in Light #6* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Remain in Light #6*, holds all copyright interests therein.

56. Hayuk is the sole owner of all right, title, and interest in the copyright to *Remain in Light #6*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-164-339.

57. Without authorization, Defendants reproduced displayed, distributed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Remain in Light #6*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count VII
Copyright Infringement of *Friendship Bracelet: The Ballad of Never Forget*

58. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

59. Hayuk's artwork entitled *Friendship Bracelet: The Ballad of Never Forget* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Friendship Bracelet: The Ballad of Never Forget*, holds all copyright interests therein.

60. Hayuk is the sole owner of all right, title, and interest in the copyright to *Friendship Bracelet: The Ballad of Never Forget*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-092-025.

61. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Friendship Bracelet: The Ballad of Never Forget*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count VIII

Copyright Infringement of *Friendship Bracelet: Rancher*

62. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

63. Hayuk's artwork entitled *Friendship Bracelet: Rancher* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Friendship Bracelet: Rancher*, holds all copyright interests therein.

64. Hayuk is the sole owner of all right, title, and interest in the copyright to *Friendship Bracelet: Rancher*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-092-025.

65. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Friendship Bracelet: Rancher*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count IX

Copyright Infringement of *Friendship Bracelet: Minus Yellow*

66. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

67. Hayuk's artwork entitled *Friendship Bracelet: Minus Yellow* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Friendship Bracelet: Minus Yellow*, holds all copyright interests therein.

68. Hayuk is the sole owner of all right, title, and interest in the copyright to *Friendship Bracelet: Minus Yellow*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-092-025.

69. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Friendship Bracelet: Minus Yellow*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count X
Copyright Infringement of *The Opening*

70. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

71. Hayuk's artwork entitled *The Opening* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *The Opening*, holds all copyright interests therein.

72. Hayuk is the sole owner of all right, title, and interest in the copyright to *The Opening*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-101-923.

73. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *The Opening*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count XI
Copyright Infringement of *Forever Point*

74. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

75. Hayuk's artwork entitled *Forever Point* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Forever Point*, holds all copyright interests therein.

76. Hayuk is the sole owner of all right, title, and interest in the copyright to *Forever Point*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-101-923.

77. Without authorization, Defendants reproduced, displayed, distributed, and sold copies of the Urban Sphere Canvas that are substantially similar to *Forever Point*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Count XII
Copyright Infringement of *Big Exes*

78. Hayuk repeats and realleges paragraphs 1 through 33 of this Complaint, inclusive, as if the same were fully set forth herein.

79. Hayuk's artwork entitled *Big Exes* is wholly copyrightable under the laws of the United States, and Hayuk, the creator and sole owner of *Big Exes*, holds all copyright interests therein.

80. Hayuk is the sole owner of all right, title, and interest in the copyright to *Big Exes*, which has been registered in the United States Copyright Office as part of Registration No. VAu 1-164-339.

81. Without authorization, Defendants reproduced, displayed, distributed, and

sold copies of the Urban Sphere Canvas that are substantially similar to *Big Exes*. Such unauthorized use constitutes an infringement of Hayuk's copyright for which she is entitled to damages and injunctive relief.

Prayers for Relief

WHEREFORE, Hayuk prays that this Court:


1. Issue a preliminary order enjoining Target and Grand Image from all further reproduction, manufacture, importation, sale, advertising, and distribution of the Urban Sphere Canvas during the pendency of this litigation;
2. Issue an order to Target and Grand Image be required to deliver up for impoundment all infringing copies of Hayuk's artworks, in all forms whatsoever, which are in Target or Grand Image's possession or under their control;
3. Issue an order permanently enjoining Target and Grand Image, and all those acting in concert with Target and Grand Image or who have obtained copies of the infringing Urban Sphere Canvas, from all further reproduction, manufacture, importation, sale, advertising, and distribution of such Canvas;
4. Issue an order that Target and Grand Image must provide Hayuk a full accounting of all reproduction manufacture, importation, sale, advertising, and/or distribution of the Urban Sphere Canvas and any other infringing product(s), including (i) a full accounting of all sales of the Urban Sphere Canvas; (ii) identification of all affiliated parties who have distributed and/or sold the Urban Sphere Canvas; and (iii) all manufacturing, importation, and warehousing records;

5. Award Hayuk all of her direct and consequential damages arising from Target and Grand Image's infringement of Hayuk's copyrights;
6. Award Hayuk all profits earned by Target and Grand Image from the infringement of Hayuk's copyrights in accordance with § 504(b) of the Copyright Act;
7. Issue an order that Target and Grand Image be required to pay Hayuk such statutory damages within the provisions of the Copyright Act in a sum not less than \$750.00, nor more than \$30,000.00, per infringed work, or if the Court finds that the infringement was committed willfully, such statutory damages within the provisions of the Copyright Act in a sum up to and including \$150,000.00 per infringed work;
8. Award Hayuk her reasonable attorneys' fees, costs of suit, and interest;
9. Issue an order that Target and Grand Image are jointly and severally liable for Hayuk's direct and consequential damages, reasonable attorney's fees, costs of suit and interest; and
10. Award Hayuk such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,

SAUNDERS & SILVERSTEIN LLP

A handwritten signature in black ink, appearing to read 'Aaron Y. Silverstein', is written over a horizontal line.

Dated: November 10, 2014

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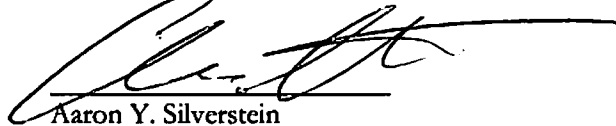
Attorneys for Plaintiff
Maya Hayuk

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Maya Hayuk hereby demands a jury trial of all issues so triable.

Dated: November 10, 2014

SAUNDERS & SILVERSTEIN LLP



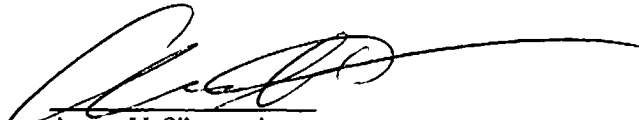
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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2014, the foregoing **FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**, filed through the ECF system, was sent electronically to the registered participants as identified in the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants. Paper and electronic copies will be served on counsel for Defendants, via email and Priority Mail, to:

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Aaron Y. Silverstein